

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

RANDY OLIVER,

Plaintiff,

v.

DAVID GRAY, *et al.*,

Defendants.

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Case No. 2:19-CV-619

JUDGE ALGENON L. MARBLEY

Magistrate Judge Jolson

ORDER

This matter comes before the Court on the Magistrate Judge's April 9, 2019, **Report and Recommendation** (ECF No. 11). The Magistrate's R&R recommended that Plaintiff's Motion for Preliminary Injunction (ECF No. 2) be denied and that Defendants' Motion to Dismiss for Failure to State a Claim (ECF No. 8) be granted in part and denied in part.

Objections to the Report and Recommendation were due by April 23, 2019. No objections were filed. The parties' failure to object results in a waiver of the right to have the district judge review the Report and Recommendation *de novo*, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

The Court hereby **ADOPTS** the Report and Recommendation based on the independent consideration of the analysis therein. Plaintiff's Motion for Preliminary Injunction is **DENIED**. Defendants' Motion to Dismiss for Failure to State a Claim is **GRANTED IN PART** and **DENIED IN PART**. Plaintiff's claims for declaratory and injunctive relief are **DISMISSED**. Plaintiff's claims for monetary damages may proceed.

IT IS SO ORDERED.

s/ Algenon L. Marbley
ALGENON L. MARBLEY
UNITED STATES DISTRICT JUDGE

DATED: May 24, 2019